

REMARKS

Claims 1-3 and 12-17 are pending. Claim 12 is amended. Claims 1-3 and 14-17 stand withdrawn from further consideration as being directed to a non-elected species. Claims 12 and 13 were rejected under 35 USC §102(e) as being anticipated by Kim et al. Favorable reconsideration of this rejection is earnestly solicited.

Claim 12 has been amended to specify that the irregular pattern includes a plurality of recesses and projections. In contrast thereto, the "irregular surface pattern" of Kim et al. is a single recess. Thus, for at least this reason, claims 12 and 13 distinguish over Kim et al.

Claims 12 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Wang et al. Favorable reconsideration of this rejection is earnestly solicited.

Claim 12 has also been amended to specify a third nitride based semiconductor layer formed on said second nitride based semiconductor layer, including an active region of the device. In contrast thereto, the active region of the device of Wang et al. is formed in the trench 60 (see column 8, lines 65 through column 9, line 8 and Fig. 9A). Accordingly, for at least this reason, the claims distinguish over Wang et al.

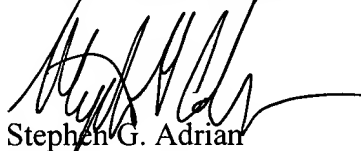
For at least the foregoing reasons, the presently claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Petition for Extension of Time

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